

REMARKS

This is in response to the Office Action dated November 17, 2004. Pursuant to this amendment, claims 1-22 are pending in the present application. Applicant amends claims 1-20 to more precisely define the present invention. Claims 21 and 22 are added. Reexamination and reconsideration are respectfully requested.

The outstanding Office Action objects to claims 11 and 12. Applicant amends claims 11 and 12 according to the instructions set out in the Office Action to obviate the objections.

The outstanding Office Action rejects claims 1-5, 7-10, 13-16 and 18-20 over the prior art, with Japanese patent publication No. 2001-068785 to Ashida (here, the Ashida reference) taken in view of Japanese patent publication 2002-232005 to Noto, et al. (here, the Noto reference) being the fundamental combination of references over which the claims are rejected. Applicant respectfully submits that the pending claims distinguish over the combination of the Ashida and Noto references, whether or not taken in combination with other prior art of record to this application.

As a preliminary matter, the applicant wishes to note that the Ashida and Noto references represent fundamentally incompatible laser structures and that the combination proposed by the Office Action cannot be made. That is, the Ashida patent represents a mesa or stripe laser structure in which the laser cavity is defined by the ends of the mesa or stripe structure and light is output from one or both of the ends of the mesa or stripe. Referring to FIG. 1 of the Ashida reference, the laser light output would be perpendicular to the surface of the page. By contrast, the Noto reference is directed to a vertical cavity laser in which the laser cavity is defined by the layers above and below the active layer. Referring to FIG. 1

of the Noto reference, the laser cavity extends in the plane of the page, with the laser output extending in the vertical direction shown in FIG. 1.

The different cavity configurations of the Ashida and Noto references are incompatible. Applicant is unaware as to how the two structures could be combined, but if they were combined, only one of the modes would be operational. Thus, the result of a combination would either be a vertical emission laser or a horizontal emission laser, but not both. Applicant submits that the two structures of the Ashida and Noto references would not be combined and that this combination cannot render obvious the claims of the application.

Applicant nevertheless amends the claims of the application to expedite the prosecution of the application. Specifically, applicant amends the claims of the application to specify that the claims are directed to a light emitting diode, rather than a laser. As shown in FIG. 2 of this application, the application's laser diode emits generally in all directions rather in the narrow emission directions associated with the lasers of the Ashida and Noto references.

Both independent claims 1 and 10 are amended to specify that the invention is a "semiconductor light emitting diode," rather than these claims' earlier recitation of a light emitting element. This distinguishes over the Ashida and Noto references, both of which are directed specifically to semiconductor lasers. Consequently, independent claim 1, its dependent claims 2-9 and 20-21, independent claim 10 and its dependent claims 11-19 and 22 distinguish over the art of record and are in condition for allowance.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

Appl. No. 10/780,534
Amdt. Dated February 17, 2005
Reply to Office Action of November 17, 2004

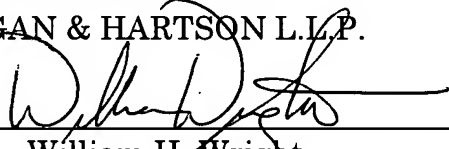
Attorney Docket No. 81788.0266
Customer No.: 26021

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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